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USA Cycling, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

GERALD FINKEN,

Plaintiff,

vs.

USA CYCLING, INC.; and DOES 1-10,

Defendants.

**NOTICE OF REMOVAL OF CIVIL
ACTION TO FEDERAL COURT**

State Court Case No.: 170902495

Judge: Scott M. Hadley

Federal Civil No. 1:17-cv-00079-DBP

Magistrate Judge Dustin B. Pead

Defendant USA Cycling, Inc. (“USA Cycling”), by and through counsel, hereby gives NOTICE OF REMOVAL of the above-entitled action from the Second Judicial District Court in and for Weber County, State of Utah, to the United States District Court for the District of Utah. This notice of, and petition for, removal is made pursuant to 28 U.S.C. §§ 1441 et seq. and is proper and appropriate based upon the following:

1. On April 27, 2017, USA Cycling was served with a Summons and Complaint in

the action captioned Finken v. USA Cycling, Inc., Civil No. 170902495. A copy of the Summons and Complaint is attached hereto as *Exhibit "A."*

2. Upon information and belief, Plaintiff Gerald Finken was at all material times a citizen and resident of the state of North Dakota.

3. USA Cycling, Inc. is a Colorado corporation with its principal place of business in Colorado.

4. Complete diversity of citizenship exists between the parties in accordance with the requirements of 28 U.S.C. § 1332(a), and it appears Plaintiff's Complaint seeks a claim for damages in excess of \$75,000.00, as Plaintiff has filed its Complaint as a Tier 2 action, alleging damages in excess of \$50,000.00 and less than \$300,000.00, exclusive of interest and costs.

5. Removal of this action is proper under 28 U.S.C. § 1441(b) because the Plaintiff is a citizen of North Dakota while USA Cycling is a citizen of Colorado.

6. This Notice of Removal has been filed within thirty (30) days after service of the Summons and Complaint, as required by 28 U.S.C. § 1446(b).

DATED this 16th day of May, 2017.

STRONG & HANNI

/s/ Lance H. Locke

Robert L. Janicki

Lance H. Locke

Attorneys for Defendant USA Cycling, Inc.

MAILING CERTIFICATE

I hereby certify that on the 16th day of May, 2017, a true and correct copy of the foregoing **NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT** was filed using the court's EM/ECF system, which sent notice to the following:

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